

## SHORELANDS (CONT.)

### USE CONSISTENCY

#### A. Activities and Uses Generally Consistent with the Coastal Policies.

All activities are generally consistent with the coastal policies when conducted in accordance with the general use criteria with the following exceptions:

- construction of new airport facilities
- substantial expansions of existing airport facilities
- solid waste landfills

### L. SHELLFISH CONCENTRATION AREAS

DEFINITION - "Shellfish Concentration Areas" means actual, potential or historic areas in coastal waters, in which one or more species of shellfish aggregate.

(Source: P.A. 79-535, sec. 3(7)(N))

## POLICIES

### POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

#### SEE:

National Interest Facilities and Resources Policy A (planning for and protection of facilities and resources which are in the national interest including restoration and enhancement of Connecticut's shellfish industry).

Intertidal Flats Policy A (preservation of value as nutrient source and shellfish habitat).

Tidal Wetlands Policy C (creation of wetlands for shellfish management).

Water Dependent Uses Policy A (priority to uses and facilities which are dependent upon proximity to coastal waters).

Boating Policy C (protection and upgrading of facilities serving the commercial fishing industry).

## SHELLFISH CONCENTRATION AREAS (CONT.)

### POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

- A. To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations.

(Source: P.A. 79-535, sec. 2(c)(1)(I))

- B. The department of health services is empowered to prohibit the taking or harvesting of shellfish in certain tidal flats, shores and coastal waters whenever it finds by examinations and surveys that such flats, shores or coastal waters are contaminated or polluted to the extent that the waters do not meet standards of purity established by said department, and that shellfish obtained therefrom may be unfit for food and dangerous to the public health. Such closure may be permanent, temporary or contingent upon the occurrence of specified events.

(Source: CGS 19-55a)

- C. The department of health services may inspect shellfish beds and areas in this state where shellfish are grown or harvested for market, all boats, tools and appliances used in the production and preparation of shellfish for market and all wharves or buildings where shellfish are opened, packed and prepared for sale or shipment. It may prescribe regulations for the sanitary growth, production and preparation of shellfish for market.

(Source: CGS 19-53)

- D. Nothing in sections 19-52 to 19-58, inclusive, shall prohibit the taking of shellfish from closed areas when they are removed for transplanting to approved areas under permits issued by the department of health services and under supervision of state and local health agencies having jurisdiction.

(Source: CGS 19-59)

### SEE:

Coastal Waters and Estuarine Embayments Policy B (adoption of water quality standards).

Coastal Waters and Estuarine Embayments Policy C (management of estuarine embayments to insure substantial biological productivity and the maintenance of healthy marine populations).

## SHELLFISH CONCENTRATION AREAS (CONT.)

Coastal Waters and Estuarine Embayments Policy D (alteration of eelgrass flats for purposes of shellfish management).

Dredging and Navigation Policy E (protection of shellfish grounds in the regulation of dredging).

Coastal Structures and Filling Policy C (maintenance of access to public beach when permitting structures).

## ADVERSE IMPACTS MUST BE EVALUATED

(see box on page II-39)

### USES TO BE REGULATED

The taking of shellfish from state-owned shellfish beds is regulated by the Department of Agriculture's Aquaculture Division (CGS 26-187 to 26-237).

(Source: CGS 26-192)

The taking of shellfish from beds under municipal jurisdiction is regulated by local shellfish commissions or other designated local agencies or boards (CGS 26-238 to 26-294).

(Source: CGS 26-240)

The harvesting of shellfish from all shellfish beds is subject to regulation for health purposes by the Department of Health Services (CGS 19-52 to 19-59).

(Source: CGS 19-53 and 19-55)

All structures and fill in coastal waters overlying shellfish concentration areas are regulated under the DEP structures and fill permit program (CGS 25-7b to 25-7f).

(Source: CGS 25-7b)

All new dredging in coastal waters overlying shellfish concentration areas is regulated under the DEP dredging permit program (CGS 25-10 to 25-18).

(Source: CGS 25-11)

## SHELLFISH CONCENTRATION AREAS (CONT.)

- Maps at 1:24,000 scale will be prepared by the Coastal Area Management Unit of DEP.

(Source: P.A. 79-535, sec. 5(b))

## IMPLEMENTATION

The Department of Agriculture's management program for shellfisheries must be consistent with policy A above.

(Source: P.A. 79-535, sec. 20(b))

The taking of shellfish from state-owned beds is regulated by the Department of Agriculture (CGS 26-187 to 26-237). Detailed criteria governing the issuance of leases and permits, harvesting methods, and limits on numbers are contained in the statutes.

(Source: CGS 26-187 to 26-237)

Department of Health Services regulation of all shellfish beds for health purposes pursuant to the Shellfish Sanitation Law (CGS 19-52 to 19-59) must be consistent with policies B, C and D above. Regulations have been promulgated by the Public Health Council to cover various aspects of shellfish sanitation including the sale of shellfish, transplanting of shellfish, cleanliness of shellfish boats, and construction and operation of shellfish processing plants. (RCSA 19-13-B64 to 19-13-B77).

(Source: CGS 19-52 to 19-59)

All permits and orders issued by DEP for water pollution control pursuant to CGS 25-27, 25-54g, 25-54h, 25-54i, 25-54j, and 25-54k must be consistent with policy H above.

(Source: P.A. 79-535, sec. 21)

Issuance of DEP permits for structures and fill in coastal waters overlying shellfish concentration areas pursuant to CGS 25-7b and for new dredging in coastal waters overlying shellfish concentration areas pursuant to CGS 25-11 must be consistent with policy A above.

(Source: P.A. 79-535, sec. 21)

## SHELLFISH CONCENTRATION AREAS (CONT.)

All state agency actions significantly affecting the environment including land acquisitions, development projects and grants for development projects must be consistent with policy A above.

(Source: P.A. 79-535, sec. 20(b))

All major state agency plans must, by July 1, 1981, be revised to insure consistency with policy A above.

(Source: P.A. 79-535, sec. 20(a))

### MUNICIPAL

The harvesting of shellfish from beds under local jurisdiction is regulated by municipal shellfish commissions or other designated local agencies pursuant to the Local Shellfisheries Statutes (CGS 26-238 to 26-294) and to local regulations. Detailed criteria are contained in the statutes governing such matters as jurisdictional disputes, methods for taking of shellfish from the waters of certain municipalities, and size and catch limits for various species of shellfish.

(Source: CGS 26-238 to 26-294 and local regulations)

### FEDERAL

Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307 of the federal Coastal Zone Management Act of 1972, 16 USC 1456)

## BACKGROUND DISCUSSION

### Natural Functions of Shellfish Concentration Areas:

- provide habitat for several species of shellfish
- contribute to the diversity of benthic life
- provide source of food for shorebirds, lobsters and other marine life

### Social Value of Shellfish Concentration Areas:

- support an important source of food

## SHELLFISH CONCENTRATION AREAS (CONT.)

- provide recreational shellfishing opportunities
- provide economic opportunities for the shellfish industry
- provide employment through shellfish industry

### USE GUIDELINES

PRIORITY USE: CONSERVATION/LIMITED DEVELOPMENT IN DEVELOPED SHOREFRONT AREAS

#### GENERAL USE CRITERIA (applicable to all uses)

- Maintain and insure the continued viability and productivity of shellfish concentration areas.
  - revitalize and increase the number and extent of productive shellfish beds
  - restore and maintain healthy and productive bottom conditions
- Preserve eelgrass beds except in those instances where it can be demonstrated that the benefits accrued through their alteration or removal for the purposes of shellfish management outweigh the benefits of preserving such flats in their natural state.
- Avoid activities that may have an adverse impact on water column characteristics, sedimentation, and substrates in shellfish concentration areas during critical spawning periods.
- Apply guidelines for coastal waters and estuarine embayments.
- Maintain and restore water quality to a condition that permits direct harvesting of shellfish for human consumption.
- Avoid uses and activities which would restrict the harvesting of shellfish of a quality suitable for human consumption.
- Avoid the placement of structures which would restrict access to or prevent the harvesting of shellfish.

#### USE CONSISTENCY

##### A. Activities and Uses Generally Consistent with the Coastal Policies.

Recreation: Recreational activities such as hiking, bird watching, swimming, fishing, and shellfishing which do not destroy the productivity potential or alter the integrity of shellfish concentration areas are generally consistent with the coastal policies.

## SHELLFISH CONCENTRATION AREAS (CONT.)

Conservation: Conservation activities and practices for the purposes of wildlife and finfish management are generally consistent with the coastal policies.

Agriculture (Aquaculture): Aquaculture practices are generally consistent with the coastal policies.

### B. Activities and Uses Which May Be Consistent with the Coastal Policies Under Special Conditions.

Dredging (Maintenance and Enhancement): Maintenance and enhancement dredging may be consistent with the coastal policies when 1) the dredging is staged so as to avoid impacts to shellfish or finfish populations during critical breeding periods, 2) the best available technologies are used to reduce controllable sedimentation and prevent adverse impacts on water quality, 3) significant impacts on contiguous shellfish concentration areas are avoided, 4) the activity is timed so as to avoid reductions in dissolved oxygen concentrations which may result in fish kills, and 5) the channel or basin is not substantially enlarged from the original project dimension.

Pipes and Cables: Pipes and cables may be consistent with the coastal policies when 1) they are placed to avoid significant impacts to shellfish concentration areas, 2) the best available technologies are used to reduce controllable sedimentation, 3) they are installed below grade so as not to interfere with the harvesting of shellfish, 4) they are designed to minimize their encroachment on shellfish beds, 5) no less environmentally damaging alternative exists, and 6) the activity is staged so as to avoid impacts to shellfish populations during critical breeding periods.

Piers, Docks, Wharves, Piles: Piers, docks, wharves and piles may be consistent with the coastal policies when 1) they are properly designed so as to not impede tidal flushing or circulation, 2) they are placed so as to minimize their encroachment into shellfish concentration areas, 3) they do not unreasonably restrict the harvesting of shellfish, 4) there is no less environmentally damaging alternative, 5) elevated pile construction or floats are utilized and 6) they do not interfere with or obstruct navigation.

Transportation Corridors (Rail, Highway): Rail and highway corridors may be consistent with the coastal policies when 1) they are properly designed so as not to impede tidal flushing or circulation, 2) they are placed so as to minimize their encroachment into shellfish concentration areas, 3) they do not unreasonably restrict the harvesting of shellfish, 4) there is no less environmentally damaging alternative, 5) they utilize elevated pile supports where feasible, 6) their construction is timed so as to avoid critical spawning periods, and 7) construction is accomplished from floating barges or top-side construction techniques are used.

## SHELLFISH CONCENTRATION AREAS (CONT.)

### C. Activities and Uses Which Are Generally Inconsistent with the Coastal Policies.

- Filling
- Disposal of Dredged Material
- Dredging (new)
- Traffic Corridors (air)
- Point Discharge Structures
- Tidal Gates

## M. COASTAL WATERS AND ESTUARINE EMBAYMENTS

DEFINITION - "Coastal Waters" means those waters of Long Island Sound and its harbors, embayments, tidal rivers, streams and creeks, which contain a salinity concentration of at least five hundred parts per million under the low flow stream conditions as established by the commissioner.

(Source: P.A. 79-535, sec. 3(5))

"Nearshore Waters" means the area comprised of those waters and their substrates lying between mean high water and a depth approximated by the ten meter contour.

(Source: P.A. 79-535, sec. 3(7)(K))

"Offshore Waters" means the area comprised of those waters and their substrates lying seaward of a depth approximated by the ten meter contour.

(Source: P.A. 79-535, sec. 3(7)(L))

"Estuarine Embayments" means a protected coastal body of water with an open connection to the sea in which saline sea water is measurably diluted by fresh water including tidal rivers, bays, lagoons and coves.

(Source: P.A. 79-535, sec. 3(7)(G))